

Exhibit 3

Courtney C. Shytle

From: David Yarborough <david@yarboroughappegate.com>
Sent: Wednesday, February 20, 2013 1:32 PM
To: Courtney C. Shytle; Ronnie L. Crosby (rcrosby@pmped.com); Deirdre McCool (deirdre.McCool@nelsonmullins.com)
Cc: Joel H. Smith; Sara H. Tyer; LGantt@pmped.com; Kayce Smoak; Amy Temkin
Subject: RE: Middleton - Good Depo Notice

Courtney,

Thank you very much for your email. I believe your team has taken at least 20 depositions in this case already. David Kelly of your firm has already deposed this particular witness for the full seven hours that the rules allow. My understanding of FRCP 30 is that a party cannot take a second deposition, nor a deposition longer than seven hours, nor any additional depositions beyond 10, without leave of the court. In an effort to accommodate your request, we offered a reasonable compromise to have Dr. Good made available by telephone for continued questioning for two additional hours, which you have rejected. As you know, we already brought Dr. Good from Canada once to be deposed at our own considerable expense and do not believe that we should bear the expense of doing that again. We do not believe you have the authority to notice this deposition, nor any additional depositions, absent leave of the Court. We must respectfully decline your request for the reasons set forth above.

David

-----Original Message-----

From: Courtney C. Shytle [mailto:Courtney.Shytle@bowmanandbrooke.com]
Sent: Wednesday, February 20, 2013 11:47 AM
To: Ronnie L. Crosby (rcrosby@pmped.com); David Yarborough; Deirdre McCool (deirdre.McCool@nelsonmullins.com)
Cc: Joel H. Smith; Sara H. Tyer; LGantt@pmped.com; Kayce Smoak; Amy Temkin
Subject: Middleton - Good Depo Notice

Ronnie and David:

Following up on my voicemail, attached please find Defendants' Notice of Deposition of Dr. Good that we intend to serve upon you today. We have noticed it for our offices on Thursday, March 7. As you know, we have tried to reach an agreement on this deposition but have been unable to do so. Based upon your last correspondence to us, we have prepared a motion to compel the deposition that we intend to file today.

If you have reconsidered your position and will agree to the deposition, please let us know. Otherwise, we will be filing our motion with the Court today.

Thanks. Courtney

Note: This electronic mail is intended to be received and read only by certain individuals. It may contain information that is attorney-client privileged or

protected from disclosure by law. If it has been misdirected, or if you suspect you have received this in error, please notify me by replying and then

delete both the message and reply. Thank you.